

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WEST COAST 2014-7, LLC,

Plaintiff,

ORDER

19-CV-5334 (MKB) (ST)

v.

GEORGE COLLIARD, JR., LASHAWNA
WORTHAM A/K/A/ LASHAWNA L.
COLLIARD, and NEW YORK CITY PARKING
VIOLATIONS BUREAU,

Defendants.

MARGO K. BRODIE, United States District Judge:

Plaintiff West Coast 2014-7, LLC commenced the above-captioned action on September 19, 2019, against Defendants George Colliard, Jr. (“Colliard”), Lashawna Wortham also known as Lashawna L. Colliard (“Wortham”), and the New York City Parking Violations Bureau, to foreclose on a mortgage encumbering a property located at 115-44 Marsden Street, Jamaica, New York 11434 (the “Property”) pursuant to the New York Real Property Actions and Proceedings Law § 1301 *et seq.* (Compl., Docket Entry No. 1.) On November 25, 2019, Plaintiff moved for a default judgment of foreclosure and sale, and “requested that the Court appoint a Referee to sell the mortgage premises and . . . ascertain and compute the amount due to Plaintiff for principal and interest.” (Pl. Mot for Default J. (“Pl. Mot.”), Docket Entry No. 13; Pl. Mem. in Supp. of Pl. Mot., Docket Entry No. 13-2.)

For the reasons explained below, the Court grants Plaintiff’s motion for a default judgment against all Defendants and awards damages.

I. Background

By Order dated December 3, 2019, the Court referred the motion for a default judgment to Magistrate Judge Steven Tiscione for a report and recommendation. (Order dated Dec. 3, 2019.)

By report and recommendation dated August 17, 2020, Judge Tiscione recommended that the Court grant Plaintiff's motion for a judgment of foreclosure and sale as to all Defendants (the "R&R"). (R&R 11, Docket Entry No. 15.) Judge Tiscione also recommended that the Court award Plaintiff a judgment of foreclosure and sale against Colliard and Wortham in the amount of \$144,396.95, under the supervision of a referee to be appointed by the Court. (*Id.*)

No party has objected to the R&R and the time for doing so has passed.

II. Discussion

A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "Where parties receive clear notice of the consequences, failure to timely object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision." *Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) (quoting *Mario v. P&C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002)); *see also Almonte v. Suffolk Cty.*, 531 F. App'x 107, 109 (2d Cir. 2013) ("As a rule, a party's failure to object to any purported error or omission in a magistrate judge's report waives further judicial review of the point." (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Sepe v. N.Y. State Ins. Fund*, 466 F. App'x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) ("[A] party waives appellate review of a

decision in a magistrate judge's [r]eport and [r]ecommendation if the party fails to file timely objections designating the particular issue.").

The Court has reviewed the unopposed R&R and, finding no clear error, adopts the R&R pursuant to 28 U.S.C. § 636(b)(1).

III. Conclusion

For the reasons set forth above, the Court grants Plaintiff's motion for a default judgment and awards Plaintiff a Judgement of Foreclosure and Sale for the Property, along with damages against George Colliard, Jr. and Lashawna Wortham also known as Lashawna L. Colliard in the amount of \$144,396.95, under the supervision of Susan Ellen Rizos, Esq., appointed as referee to conduct the sale of the Property.

Dated: September 11, 2020
Brooklyn, New York

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge